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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,861	10/17/2003	Anthony J. Griggs	W0550.70000US00	9578

23628 7590 05/05/2005

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EXAMINER
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BAHTA, KIDEST

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/687,861	<b>Applicant(s)</b> GRIGGS ET AL.	
	<b>Examiner</b> Kideest Bahta	<b>Art Unit</b> 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-93 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-93 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

*[Handwritten mark]*

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-93 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Matsumiya et al. (U.S. Patent 6,671,571).

Regarding claims 1, 28, 31, 55, 57, 76-79, 84, 86, 92 and 93, Matsumiya discloses generating, from a dimensional metrology program, a machine tool program including instructions to control a machine tool to perform coordinate measurements (element 31), wherein the machine tool program is executable on a machine tool controller (Fig. 1, element 27); analyzing coordinate measurement data generated by execution of the machine tool program using dimensional metrology analysis (column 6, lines 36-49).

Regarding claims 1-27, 29-30, 32-54, 56, 58-75, 80-83, 85 and 87-91, Matsumiya discloses the method according to claim 1, further comprising an act of: the machine tool controller executing the machine tool program to produce coordinate measurement data (element 51); communicating the coordinate measurement data to a dimensional metrology analysis module (element 72); the dimensional metrology analysis module

analyzing the coordinate measurement data (column 6, lines 36-49); generating an additional machine tool program based on results of act (column 6, line 63-column 7, line 3); the additional machine tool program comprises instructions to control a machine tool to perform coordinate measurements (Fig. 2); wherein the additional machine tool program comprises instructions to control a machine tool to perform machining operations (column 3, lines 12-25); wherein the additional machine tool program comprises instructions to control a machine tool to perform coordinate measurements and machining operations (column 8, lines 62-column 9, line 4); the dimensional metrology analysis module analyzing the coordinate measurement data using over determined objective functions (column 8, lines 1-12); the dimensional metrology program is configured to control a coordinate measurement machine (Fig. 1); communicating the machine tool program to the machine tool controller (element 25); communicating the machine tool program to the machine tool controller in one communication (element 20); an application integrated within a control panel of the machine tool controller (Fig. 9); selecting one of a plurality of machine definitions, each machine definition providing values for one or more parameters of a machine tool (element 26); least one of: a tool offset type; a parameterized move command; and a parameterized measure command (column 5, lines 1-15); combining the machine definition with a dimensional metrology path definition (Fig. 4A); the machine tool controller executing the machine tool program without receiving further instructions during execution (column 4, lines 57-65); the machine tool controller receiving one or more instructions regarding an offset value during execution of the machine tool

program (column 4, lines 35-51); the machine tool program comprises G and M codes (column 7, lines 18-32); translating the dimensional metrology program into the machine tool program (elements 25 and 26); removing dimensional metrology program commands from the dimensional metrology program (Fig. 2); inserting into the machine tool program numeric control commands that are not present in the dimensional metrology program (Fig. 1); providing indicators within the machine tool program, the indicators including information regarding a quantity of coordinate measurements associated with a workpiece feature (column 6, lines 26-43); a program generator to generate, from a dimensional metrology program, a machine tool program including instructions to control a machine tool to perform coordinate measurements, wherein the machine tool program is executable on a machine tool controller (column 6, line 63-column 7, line 3); an analysis module to perform dimensional analysis of coordinate measurement data that result from execution of the machine tool program (Fig. 3, column 7, lines 11-21).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning communication or earlier communication from the examiner should be directed to Kidest Bahta, whose telephone number is (571) 272-3737. If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached (517) 272-3749. Additionally, the fax phone for Art Unit 2125 is

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(703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Kidest Bahta

April 26, 2005

A handwritten signature in black ink, appearing to read 'Kidest Bahta', is written over the printed name.